IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 977 of 2007(N)

PETITIONER:

P.Z.PAULOSE, S/O.ZACHARIA,
PATTASSERIL HOUSE, THEKKUMBAGOM KARA,
THEKKUMBAGOM VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.JOSE KURIAKOSE
SRI.JOSEPH A.VADAKKEL
SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN

RESPONDENTS:

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1. PEOPLES URBAN CO-OPERATIVE BANK,
NO.51, TRIPUNITHURA, REPRESENTED
BY ITS BRANCH MANAGER.

2. GENERAL MANAGER,
PEOPLES URBAN CO-OPERATIVE BANK,
NO.51, TRIPUNITHURA.

BY ADV. SRI.T.A.RAJAN
SRI.JAYAKUMAR C.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	A TRUE COPY OF THE ORDER DATED 19/12/2003 IN I.A.NO.2882/2003 IN O.P.38698/2002
EXT.P2	A TRUE COPY OF THE JUDGMENT IN W.A.594/2003 DATED 13/02/2006
EXT.P3	A TRUE COPY OF THE LETTER DATED 13/05/2006 ISSUED BY THE 2ND RESPONDENT
EXT.P4	A TRUE COPY OF THE LETTER DATED 12/12/2006 SEND BY THE PETITIONER TO THE 1ST AND 2ND RESPONDENT
EXT.P5	A TRUE COPY OF THE LETTER DATED 27/12/2006 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 977 of 2007 (N)

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Dated this the 19th day of January, 2007

J U D G M E N T

The petitioner approached this Court by filing W.A.No.594/2003. An interim order was passed. The writ appeal was finally disposed of by allowing the petitioner a three months time to pay the amount as settled between the parties, availing an one time settlement facility. However, within the above period of three months, the amount was not paid to the first respondent bank. The writ petitioner approached the bank and one month time was extended. Even then, the money was not paid as settled. Thereafter, the writ petitioner is now before this Court, with this writ petition. This Court, as per the order dated 09/01/2007, directed the writ petitioner to pay an amount of Rupees ten lakhs. The counsel on either side submit that the said ten lakhs was remitted by the writ petitioner.

2. The prayer of the counsel for the writ petitioner is that the three months time granted by the Division Bench in W.A.No.594/2003, dated 13/02/2006, may be extended by five

months more. The counsel for the first respondent submits that the facility of one time settlement is now not available. However, the counsel further submits that the relaxation in interest rate and intalment facility could be extended to the writ petitioner, provided he approaches the first respondent and pays the amount, according to the instalment, that would be give to the writ petitioner.

3. In the above facts situation, without expressing any opinion on the merit of the matter, I direct the writ petitioner to approach the first respondent and file a representation, within ten days from today. The first respondent shall pass final order, after hearing the writ petitioner, giving the relaxation as submitted above, before this Court. The first respondent shall also extend six instalments to the writ petitioner for payment of the amount.

The writ petition is accordingly closed.

(J.M.JAMES)
Judge

ms